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[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**

Plaintiff,

v.

**MICROSOFT CORP.**

and

**ACTIVISION BLIZZARD, INC.,**

Defendants.

Case No. 3:23-cv-2880-JSC

**PLAINTIFF FEDERAL TRADE  
COMMISSION'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL  
SHOULD BE SEALED**

Dept.: Courtroom 8  
Judge: Honorable Jacqueline Scott Corley

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED  
CASE NO. 3:23-CV-2880-JSC

Pursuant to Civil Local Rules 7-11 and 79-5(f), Plaintiff, the Federal Trade Commission, respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Second Supplement to its Exhibit List.

Certain portions of Plaintiff's Second Supplement to its Exhibit List contain information that was obtained during the course of litigation discovery in *In the matter of Microsoft Corp. and Activision, Blizzard, Inc.*, before the United States of America Federal Trade Commission Office of Administrative Law Judges, Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered on December 9, 2022 ("Administrative Protective Order"). As detailed below, Plaintiff reasonably expects the producing party may file confidentiality declarations in support of sealing as required by Local Rule 79-5. Accordingly, Plaintiff seeks to file under seal:

PX#	Description	Docket Entry
PX1261	Document Description	held for L.R. 79-5(f) declaration
PX2403	Document Description	held for L.R. 79-5(f) declaration
PX4028	Document Description	held for L.R. 79-5(f) declaration
PX4179	Document Description	held for L.R. 79-5(f) declaration
PX4242	Document Description	held for L.R. 79-5(f) declaration
PX4743	Document Description	held for L.R. 79-5(f) declaration
PX4759	Document Description	held for L.R. 79-5(f) declaration
PX4775	Document Description	held for L.R. 79-5(f) declaration
PX4808	Document Description	held for L.R. 79-5(f) declaration
PX4902	Document Description	held for L.R. 79-5(f) declaration

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, "has been designated as confidential by another party or non-party." L.R. 79-5(f).

Plaintiff has redacted the above-referenced yellow-highlighted portions of the FTC Exhibit List because Microsoft Corporation ("Microsoft") or Activision Blizzard Inc. ("Activision") has designated the information contained therein as confidential pursuant to L.R. 79-5(f). *See* Microsoft's Administrative Motion Seeking *In Camera* Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-5 (Dkt. No. 150); Microsoft's Administrative

1 Motion Seeking *In Camera* Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-5  
 2 (Dkt. No. 199); Microsoft's Administrative Motion Seeking *In Camera* Treatment of Certain  
 3 Exhibits Pursuant to Civil L.R. 7-11 and 79-5 (Dkt. No. 201); Activision's (1) Administrative  
 4 Motion Seeking *In Camera* Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-5;  
 5 and (2) Declaration of Page Robinson In Support Thereof (Dkt. No. 148); Activision's (1)  
 6 Second Amended Administrative Motion Seeking *In Camera* Treatment of Certain Exhibits  
 7 Pursuant to Civil L.R. 7-11 and 79-5; and (2) Declaration of Page Robinson In Support Thereof  
 8 (Dkt. No. 197); Activision's (1) Third Amended Administrative Motion Seeking *In Camera*  
 9 Treatment of Certain Exhibits Pursuant to Civil L.R. 7-11 and 79-5; and (2) Declaration of Page  
 10 Robinson In Support Thereof (Dkt. No. 205).

11 Plaintiff takes no position on the merits of sealing Microsoft's and Activision's  
 12 designated material.

13 In compliance with Civil Local Rule 79-5(d), the unredacted version of the FTC Exhibit  
 14 List accompanies this Administrative Motion. In accordance with Local Rule 7-11, Plaintiff has  
 15 also filed a Proposed Order herewith

20 Dated: June 26, 2023

Respectfully submitted,

22 /s/ Jennifer Fleury

23 Jennifer Fleury  
 24 Peggy Bayer Femenella  
 25 James Abell  
 26 Cem Akleman  
 27 J. Alexander Ansaldo  
 Michael T. Blevins  
 Amanda L. Butler  
 Nicole Callan  
 Maria Cirincione

28 PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER  
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 CASE NO. 3:23-CV-2880-JSC

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